UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-SC-4777 (PJS/RLE)

UNITED STATES OF AMERICA, *ex rel.* KATHY ONWEZEN, ELAINE BENNETT, and ALAN BRILL	)
Plaintiff-Relators,	)
v.	)
MEDTRONIC, INC.,	)
Defendant.	)

UNITED STATES' NOTICE OF INTERVENTION-IN-PART, DECLINATION-IN-PART FOR PURPOSES OF SETTLEMENT AND REQUEST FOR LIFTING OF THE SEAL

The United States, Relators, and Defendant have reached a settlement agreement to resolve this action. In light of this agreement, and for the purpose of effectuating and formalizing that resolution, pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), the United States respectfully advises the Court of its decision to intervene in part and decline in part for the purposes of settlement.

Specifically, the United States intervenes in this action with respect to civil claims predicated upon the following factual allegations (the "Covered Conduct"):

(52)

> Medtronic used its Post-market Studies known as "FLOW" and "TRENDS", along with its Registries known as "OMNI" and "P3" (collectively the "Subject Studies and Registries"), as vehicles to pay participating physicians kickbacks to implant Medtronic pacemakers and ICDs. Although Medtronic collected data and information from participating physicians, it knowingly and intentionally used the Subject Studies and Registries as a means of increasing device sales by paying certain targeted physicians to participate in the Subject Studies and Registries, which involved the use of select Medtronic pacemakers and ICDs. Each of the Subject Studies and Registries required a new or previous implant of a Medtronic device in each patient. In each case, Medtronic paid each participating physician a fee. The United States further contends that Medtronic, acting through its employees, solicited certain physicians for the Subject Studies and Registries in order to convert their business from a competitor's product and/or persuade the physicians to continue using Medtronic products.

The United States declines intervention with respect to all other claims alleged in this action apart from those based upon the Covered Conduct.

Under the terms and conditions of the settlement agreement among the parties, the United States and Relators will file a Stipulation of Dismissal with respect to all claims in this action following Medtronic's scheduled settlement payment.

Finally, the United States hereby requests that the Court unseal the Relators' Amended Complaint, this Notice of Intervention, and all subsequent filings following this Notice of Intervention. The United States respectfully requests that all other filings in this matter remain under seal and not be made public (including, but not limited to, any applications filed by the United States for extensions of the sixty-day investigative period, any applications for partial lifting of the seal, and any orders previously entered in this matter).

A Proposed Order is being contemporaneously emailed to the Court.

Dated: December 1, 2011

Respectfully submitted,

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